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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,604	05/10/2001	Kirk Fritsche	AUS920010082US1	4902

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EXAMINER

LUU, LE HIEN

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/852,604

Applicant(s)

FRITSCH ET AL.

Examiner

Le H Luu

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-27 and 29-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-27 and 29-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. Claims 1-9, 11-27, and 29-36 are presented for examination.
2. The rejections of claims 1, 8, 12, and 30 under 35 U.S.C. § 112 have been withdrawn due to applicant's amendment filed on 11/15/2004.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

or

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-9, 11-27, and 29-36 are rejected under 35 U.S.C. § 102(e) as being anticipated by Van Watermulen et al. (Watermulen) patent no. 6,604,046.

5. As to claim 1, Watermulen teaches the invention substantially as claimed, including a method in a data processing system for accessing a client service, the method comprising:

managing a pool of connections to client service instances (col. 4 line 61 - col. 5 line 8);

responsive to a request from a client from a plurality of clients, assigning a connection to a client service instance to the client from the pool of connections to the client service instances (col. 4 line 61 - col. 5 line 27);

invoking the request on the client using the connection to the client service instance (col. 5 line 9 - 41);

responsive to receiving a response to the request from the client service instance, returning the result to the client (col. 5 lines 55); and

placing the request in a queue if there is no free client service instance within the pool of connections to the client service instances (col. 4 line 61 - col. 5 line 42).

6. As to claims 2-3, Watermulen teaches freeing the client service instance back to the pool after invoking the request on the client service; waiting for the response from

the client service instance after the client service instance has been invoked; and responsive to a timeout occurring while waiting for the response, returning a response to the client indicating that the timeout has occurred (col. 4 line 59 - col. 5 line 27; col. 8 lines 5-15; col. 11 line 34; col. 12 line 49).

7. As to claims 4-6 and 12, Watermulen teaches the client is a user application; the client service instance is an application programming interface to a server process; the server process and server service are located on a remote data processing system (Figures 1-2).

8. As to claim 7, Watermulen teaches the pool of connections to the client service instances is used to access report services on a server (col. 4 line 61 - col. 5 line 8).

9. As to claim 8-9 and 11, Watermulen teaches the result is returned immediately upon receiving the response from the client service; a error message is returned to the client after a period of time passes without receiving the response; a particular client service instance only accepts and processes one request at a time (col. 3 lines 6-21; col. 4 line 61 - col. 5 line 27; col. 8 lines 5-15; col. 11 line 34; col. 12 line 49).

10. Claims 13-27 and 29-36 have similar limitations as claims 1-9 and 11-12; therefore, they are rejected under the same rationale.

11. In the remarks, applicant argued in substance that

(A) Prior art does not teach place a request in a queue if there is no free client service instance within the pool of connections to the client service instances.

As to point (A), Watermulen teaches a FIFO connection pool comprises of one or more persistent socket connections 132.11, 132.12, and 132.13. When one of the persistent socket connections is full, a request is being queued or placed in another (col. 4 line 61 - col. 5 line 42).

(B) Prior art does not teach queuing a new request if a current request has been invoked on the client service.

As to point (B), Watermulen teaches queuing a new connection request in the persistent socket connections if a current connection request has been feed through a connection manager (col. 4 line 61 - col. 5 line 42).

(C) Prior art does not teach freeing the client service instance back to the pool after invoking the request on the client service.

As to point (C), Watermulen teaches monitoring and closing persistent socket connection back to the pool after monitoring the use of existing connections and closing those that have been inactive as measured against parameter in a property file (col. 4 line 59 - col. 5 line 27).

(D) Prior art does not teach waiting for the response from the client service instance after the client service instance has been invoked; and responsive to a timeout occurring while waiting for the response, returning a response to the client indicating

that the timeout has occurred; or returning an error message to the client after a period of time passes without receiving the response (col. 4 line 59 - col. 5 line 27).

As to point (D), Watermulen teaches monitoring the use of existing connections. In addition, Watermulen teaches a property file for map server comprises parameters such as connection.timeout and service.timeout that governs operation of the map server. Therefore, Watermulen inherently teaches client receives a timeout message when a timeout occurs (col. 3 lines 6-21; col. 4 line 61 - col. 5 line 27; col. 8 lines 5-15; col. 11 line 34; col. 12 line 49).

(E) Prior art does not teach accessing report services on a server.

As to point (E), Watermulen teaches accessing map report services on a map server (col. 4 line 61 - col. 5 line 8).

(F) Prior art does not teach requests are sent to the client service form the queue in a first-in-first-out basis.

As to point (F), Watermulen teaches connection requests are sent to a FIFO connection pool comprises of one or more persistent socket connections 132.11, 132.12, and 132.13 (col. 4 line 61 - col. 5 line 42).

12. Applicant's arguments filed on 11/15/2004 have been fully considered but they are not deemed to be persuasive.

13. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

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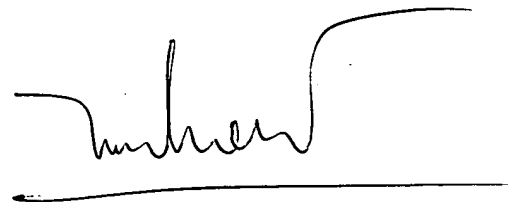
A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Le H Luu whose telephone number is 571-272-3884.

The examiner can normally be reached on 7:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LE HIEN LUU
PRIMARY EXAMINER

June 10, 2005